
SUBSTITUTE HOUSE BILL 2816

State of Washington 60th Legislature 2008 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Campbell, Morrell, and Green)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to health care devices and procedures; adding a new
2 section to chapter 18.22 RCW; adding a new section to chapter 18.25
3 RCW; adding a new section to chapter 18.32 RCW; adding a new section to
4 chapter 18.36A RCW; adding a new section to chapter 18.57 RCW; adding
5 a new section to chapter 18.71 RCW; adding a new section to chapter
6 18.74 RCW; adding a new section to chapter 18.79 RCW; and creating a
7 new section.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** The legislature intends to prohibit the use
10 of those instruments and procedures that have no legitimate use for the
11 provision of health care. Such devices pose a risk to the public by
12 denying or delaying legitimate, proven methods of treatment to patients
13 who need it.

14 The legislature finds that medical instruments and procedures that
15 may not have accepted uses at the time of their initial release may
16 achieve acceptance in the medical field in the future. The
17 legislature, therefore, expects that consideration shall be given to
18 the evolving nature of medicine as reviews of instruments and
19 procedures are conducted.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.22 RCW
2 to read as follows:

3 (1) The board may adopt rules to identify those instruments,
4 categories of instruments, procedures, or categories of procedures that
5 are approved or prohibited for use by a podiatric physician or surgeon
6 for therapeutic or diagnostic purposes.

7 (2) Any rules must be based upon consideration of the following
8 factors as applicable to any procedure, category of procedures,
9 instrument, or category of instruments to be approved or prohibited:

10 (a) The instruction of use of the procedure, category of
11 procedures, instrument, or category of instruments at approved schools
12 of podiatric medicine and surgery;

13 (b) The scientific basis for the use of the procedure, category of
14 procedures, instrument, or category of instruments;

15 (c) Any direct and positive relationship between the procedure,
16 category of procedures, instrument, or category of instruments and
17 patient care;

18 (d) A comparison of potential risks and benefits to the patient;
19 and

20 (e) Other factors deemed relevant by the board.

21 (3)(a) A podiatric physician or surgeon licensed under this chapter
22 or manufacturer or vendor of an instrument or category of instruments
23 for treatment or diagnostic evaluation may request that the board
24 determine the classification of a procedure, category of procedures,
25 instrument, or category of instruments not addressed by the rules.

26 (b) The use of an instrument, category of instruments, procedure,
27 or category of procedures that has been prohibited by the board
28 constitutes unprofessional conduct under this chapter and chapter
29 18.130 RCW.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.25 RCW
31 to read as follows:

32 (1) The commission may adopt rules to identify those instruments,
33 categories of instruments, procedures, or categories of procedures that
34 are approved or prohibited for use by a chiropractor for treatment or
35 diagnostic evaluation.

36 (2) Any rules must be based upon consideration of the following

1 factors as applicable to any procedure, category of procedures,
2 instrument, or category of instruments to be approved or prohibited:

3 (a) The instruction of use of the procedure, category of
4 procedures, instrument, or category of instruments at approved
5 chiropractic schools and colleges;

6 (b) The scientific basis for the use of the procedure, category of
7 procedures, instrument, or category of instruments;

8 (c) Any direct and positive relationship between the procedure,
9 category of procedures, instrument, or category of instruments and
10 patient care;

11 (d) A comparison of potential risks and benefits to the patient;
12 and

13 (e) Other factors deemed relevant by the commission.

14 (3)(a) Any chiropractor licensed under this chapter or manufacturer
15 or vendor of an instrument or category of instruments for treatment or
16 diagnostic evaluation may request that the commission determine the
17 classification of a procedure, category of procedures, instrument, or
18 category of instruments not addressed by the rules.

19 (b) The use of an instrument, category of instruments, procedure,
20 or category of procedures that has been prohibited by the commission
21 constitutes unprofessional conduct under this chapter and chapter
22 18.130 RCW.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.32 RCW
24 to read as follows:

25 (1) The commission may adopt rules to identify those instruments,
26 categories of instruments, procedures, or categories of procedures that
27 are approved or prohibited for use by a dentist for treatment or
28 diagnostic evaluation.

29 (2) Any rules must be based upon consideration of the following
30 factors as applicable to any procedure, category of procedures,
31 instrument, or category of instruments to be approved or prohibited:

32 (a) The instruction of use of the procedure, category of
33 procedures, instrument, or category of instruments at approved schools
34 of dentistry;

35 (b) The scientific basis for the use of the procedure, category of
36 procedures, instrument, or category of instruments;

1 (c) Any direct and positive relationship between the procedure,
2 category of procedures, instrument, or category of instruments and
3 patient care;

4 (d) A comparison of potential risks and benefits to the patient;
5 and

6 (e) Other factors deemed relevant by the commission.

7 (3)(a) Any dentist licensed under this chapter or manufacturer or
8 vendor of an instrument or category of instruments for treatment or
9 diagnostic evaluation may request that the commission determine the
10 classification of a procedure, category of procedures, instrument, or
11 category of instruments not addressed by the rules.

12 (b) The use of an instrument, category of instruments, procedure,
13 or category of procedures that has been prohibited by the commission
14 constitutes unprofessional conduct under this chapter and chapter
15 18.130 RCW.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.36A RCW
17 to read as follows:

18 (1) The secretary, in coordination with the committee, may adopt
19 rules to identify those instruments, categories of instruments,
20 procedures, or categories of procedures that are approved or prohibited
21 for use by a naturopath for treatment or diagnostic evaluation.

22 (2) Any rules must be based upon consideration of the following
23 factors for any procedure, category of procedures, instrument, or
24 category of instruments to be approved or prohibited:

25 (a) The instruction of use of the procedure, category of
26 procedures, instrument, or category of instruments at approved
27 naturopathic education programs;

28 (b) The scientific basis for the use of the procedure, category of
29 procedures, instrument, or category of instruments;

30 (c) Any direct and positive relationship between the procedure,
31 category of procedures, instrument, or category of instruments and
32 patient care;

33 (d) A comparison of potential risks and benefits to the patient;
34 and

35 (e) Other factors deemed relevant by the secretary, in coordination
36 with the committee.

1 (3)(a) Any naturopath licensed under this chapter or manufacturer
2 or vendor of an instrument or category of instruments for treatment or
3 diagnostic evaluation may request that the secretary, in coordination
4 with the committee, determine the classification of a procedure,
5 category of procedures, instrument, or category of instruments not
6 addressed by the rules.

7 (b) The use of an instrument, category of instruments, procedure,
8 or category of procedures that has been prohibited by the secretary
9 constitutes unprofessional conduct under this chapter and chapter
10 18.130 RCW.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.57 RCW
12 to read as follows:

13 (1) The board may adopt rules to identify those instruments,
14 categories of instruments, procedures, or categories of procedures that
15 are approved or prohibited for use by an osteopathic physician or
16 surgeon or osteopathic physicians' assistant for treatment or
17 diagnostic evaluation.

18 (2) Any rules must be based upon consideration of the following
19 factors for any procedure, category of procedures, instrument, or
20 category of instruments to be approved or prohibited:

21 (a) The instruction of use of the procedure, category of
22 procedures, instrument, or category of instruments at approved schools
23 of osteopathic medicine or osteopathic physician assistant training
24 programs;

25 (b) The scientific basis for the use of the procedure, category of
26 procedures, instrument, or category of instruments;

27 (c) Any direct and positive relationship between the procedure,
28 category of procedures, instrument, or category of instruments and
29 patient care;

30 (d) A comparison of potential risks and benefits to the patient;
31 and

32 (e) Other factors deemed relevant by the board.

33 (3)(a) Any osteopathic physician or surgeon licensed under this
34 chapter or osteopathic physicians' assistant licensed under chapter
35 18.57A RCW or manufacturer or vendor of an instrument or category of
36 instruments for treatment or diagnostic evaluation may request that the

1 board determine the classification of a procedure, category of
2 procedures, instrument, or category of instruments not addressed by the
3 rules.

4 (b) The use of an instrument, category of instruments, procedure,
5 or category of procedures that has been prohibited by the board
6 constitutes unprofessional conduct under this chapter and chapter
7 18.130 RCW.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.71 RCW
9 to read as follows:

10 (1) The commission may adopt rules to identify those instruments,
11 categories of instruments, procedures, or categories of procedures that
12 are approved or prohibited for use by a physician or surgeon or
13 physician assistant for treatment or diagnostic evaluation.

14 (2) Any rules must be based upon consideration of the following
15 factors for any procedure, category of procedures, instrument, or
16 category of instruments to be approved or prohibited:

17 (a) The instruction of use of the procedure, category of
18 procedures, instrument, or category of instruments at approved schools
19 of medicine or physician assistant programs;

20 (b) The scientific basis for the use of the procedure, category of
21 procedures, instrument, or category of instruments;

22 (c) Any direct and positive relationship between the procedure,
23 category of procedures, instrument, or category of instruments and
24 patient care;

25 (d) A comparison of potential risks and benefits to the patient;
26 and

27 (e) Other factors deemed relevant by the commission.

28 (3)(a) Any physician or surgeon licensed under this chapter or
29 physician assistant licensed under chapter 18.71A RCW or manufacturer
30 or vendor of an instrument or category of instruments for treatment or
31 diagnostic evaluation may request that the commission determine the
32 classification of a procedure, category of procedures, instrument, or
33 category of instruments not addressed by the rules.

34 (b) The use of an instrument, category of instruments, procedure,
35 or category of procedures that has been prohibited by the commission
36 constitutes unprofessional conduct under this chapter and chapter
37 18.130 RCW.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.74 RCW
2 to read as follows:

3 (1) The board may adopt rules to identify those instruments,
4 categories of instruments, procedures, or categories of procedures that
5 are approved or prohibited for use by a physical therapist for
6 therapeutic or diagnostic purposes.

7 (2) Any rules must be based upon consideration of the following
8 factors for any procedure, category of procedures, instrument, or
9 category of instruments to be approved or prohibited:

10 (a) The instruction of use of the procedure, category of
11 procedures, instrument, or category of instruments at approved physical
12 therapy programs;

13 (b) The scientific basis for the use of the procedure, category of
14 procedures, instrument, or category of instruments;

15 (c) Any direct and positive relationship between the procedure,
16 category of procedures, instrument, or category of instruments and
17 patient care;

18 (d) A comparison of potential risks and benefits to the patient;
19 and

20 (e) Other factors deemed relevant by the board.

21 (3)(a) A physical therapist licensed under this chapter or
22 manufacturer or vendor of an instrument or category of instruments for
23 treatment or diagnostic evaluation may request that the board determine
24 the classification of a procedure, category of procedures, instrument,
25 or category of instruments not addressed by the rules.

26 (b) The use of an instrument, category of instrument, procedure, or
27 category of procedures that has been prohibited by the board
28 constitutes unprofessional conduct under this chapter and chapter
29 18.130 RCW.

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.79 RCW
31 to read as follows:

32 (1) The commission may adopt rules to identify those instruments,
33 categories of instruments, procedures, or categories of procedures that
34 are approved or prohibited for use by an advanced registered nurse
35 practitioner for treatment or diagnostic evaluation.

36 (2) Any rules must be based upon consideration of the following

1 factors for any procedure, category of procedures, instrument, or
2 category of instruments to be approved or prohibited:

3 (a) The instruction of use of the procedure, category of
4 procedures, instrument, or category of instruments at approved schools
5 of nursing;

6 (b) The scientific basis for the use of the procedure, category of
7 procedures, instrument, or category of instruments;

8 (c) Any direct and positive relationship between the procedure,
9 category of procedures, instrument, or category of instruments and
10 patient care;

11 (d) A comparison of potential risks and benefits to the patient;
12 and

13 (e) Other factors deemed relevant by the commission.

14 (3)(a) An advanced registered nurse practitioner licensed under
15 this chapter or manufacturer or vendor of an instrument or category of
16 instruments for treatment or diagnostic evaluation may request that the
17 commission determine the classification of a procedure, category of
18 procedures, instrument, or category of instruments not addressed by the
19 rules.

20 (b) The use of an instrument, category of instruments, procedure,
21 or category of procedures that has been prohibited by the commission
22 constitutes unprofessional conduct under this chapter and chapter
23 18.130 RCW.

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